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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/450,640

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DAVID M. KOTICK

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07/27/2005

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EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/450,640

Applicant(s)

KOTICK ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 39-47 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claim 39, It is unclear as to what applicant meant by "a plurality of independent species" on line 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomason (U.S. Patent 6,137,039 B1) in view of Jordan et al (U.S. Patent 6,249,241 B1).

Regarding to claims 39 and 46-49, Thomason discloses an audio communication control system useful in training operations on tactical systems communication equipment, the audio communication control system (Fig. 1) comprising communications equipment 102-105 operable from a plurality of remote locations 101 for communication with a centralized control center 108 (Fig. 1 col. 2 lines 65-67 and

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col. 3 lines 1-6), the communications equipment including a plurality of audio communications systems (Fig. 2 col. 3 lines 44-47), wherein at least one of the plurality of audio communications audio equipment and signal processing 103 (Fig. 2 col. 3 lines 48-61); a tactical training system (col. 2 lines 4-18) operable with the central control center for interfacing with tactical training equipment 102-136 distributed through the plurality of remote locations, the tactical training equipment providing a communications connection to a wide area network WAN 107 for communicating with other remote locations communication equipment (Fig 3 col. 5 lines 39-43); a single headset 111 having left/right speaker 135 and a microphone 134 for providing an operator with voice transmission (Fig. 3 col. 5 lines 35-38); an audio interface 110 for operating between the tactical training system and the headset to provided an electrical connection to the communications equipment for operation therewith (Fig. 3 col. 5 lines 48-57), the audio interface switching discrete audio communications signals therefrom and routing the audio signals to one of the left speaker, the right speaker, and the microphone of the headset (Fig. 3 col. 5 lines 58-61); and an operator control interface 109 operable with the audio interface for controlling the routing and switching of the audio signals (Fig. 3 col. 6 lines 1-10), the operator control interface including an interactive graphical display for selection of the communication equipment to be operable with the single headset (Fig. 3 col. 5 lines 61-67).

Thomason fails to teach the communication equipments is onboard a ship consisting of a radio telephone system; a time encoder operable with a global positioning system for time stamping of audio packets transmitted across the WAN

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(claim 46); and the graphical display of the operator control interface comprises scenario control buttons for selection of a desired virtual frequency channel of the WAN for input to one of the left speaker and the right speaker (claim 47).

However, Jordan discloses a Vessel Traffic System VTS with communications equipment onboard a ship (Fig. 1 col. 5 lines 21-32) consisting of a radio telephone system 26 (Fig. 2B col. 7 lines 19-25); a time encoder operable with a global positioning system for time stamping of audio packets transmitted across the WAN (Fig. 15 col. 16 lines 49-60); and a graphical display for the operator to select a desired virtual frequency channel of the WAN for input to one of the left speaker and the right speaker (col. 15 lines 14-19).

Thus, it would have been obvious to a person of ordinary skill in the art to place the communication equipment onboard a ship as taught by Jordan in Thomason's system to provide a quick, accurate, and efficient way of monitoring and controlling the operations of maritime traffic. The motivation to do so would have been to ensure safe passage and the orderly passage of vessels.

Regarding to claim 40, Thomason discloses the tactical training system comprises a battle force tactical trainer 109 (Fig. 1 col. 3 lines 11-14).

Regarding to claim 41, Thomason, in view of Jordan, discloses all the limitations with respect to claim 1 including a central processing unit 110 operable with the operator control interface for processing control functions thereof (Fig. 3 col. 5 lines 49-57), and wherein the central processing unit receives input for selection of the routing and switching (Fig. 3 col. 5 lines 58-67). However, Thomason and Jordan fail to teach

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for receiving inputs from a mouse. To arrange a receiving an inputs from a mouse would have been obvious to a person of ordinary skill in the art, since such arrangement is well known in the art to be use in computer system.

Regarding to claim 42, Thomason discloses a personal computer 100 operable with the audio interface (Fig. 3 col. 5 lines 35-38); a monitor operable with the personal computer for displaying the graphical display (Fig. 3 col. 5 lines 58-67); and an input device 134 for operation with the operator control interface (Fig. 3 col. 5 lines 51-58).

Regarding to claim 43, Thomason, in view of Jordan, discloses all the limitation with respect to claims 5 and 32 including the input device operable with the monitor for selecting the communications systems and routing of audio signals to the headset (Fig. 3 col. 5 lines 58-67). However, Thomason and Jordan fail to teach for receiving inputs from a mouse. To arrange a receiving an inputs from a mouse would have been obvious to a person of ordinary skill in the art, since such arrangement is well known in the art to be use in computer system.

Regarding to claim 44, Thomason discloses a network control module 123 for sending and receiving network packets of information across a WAN 107 (Fig. 3 col. 5 liens 39-43).

Regarding to claim 45, Thomason discloses a digital signal processor 117 for converting analog audio signal received from the communication equipment into a digital signal for processing thereof (Fig. 3 col. 5 lines 58-61).

Response to Arguments

5. In response to applicant's argument that the motivation to combined Jordan with Thomason for safety purpose does not focused on the required motivation, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Furthermore, the examiner would like to remind applicant that every limitation must be support by the original disclosure. Thus, the examiner would like applicant to cite the pages and lines of which recited the feature "a plurality of independent specifies".

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

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RICKY NGO
PRIMARY EXAMINER

7/15/05